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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
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YOO, JASSON H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,331

Applicant(s)

MURPHY ET AL.

Examiner

Jasson H. Yoo

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18, 32-39, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18, 32-39, 41-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 13, 16, 17, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation of "registering an online presence...wherein the registering comprises holding a processing data". The term "registering" is used a verb. It is not clear how "registering" can comprise holding a processing data. It appears that the claimed invention refers to the server 116 which holds data of the user (Applicants' specification US 2005/0202875, paragraph 36).

Claim 13 recites the limitation of "a method as recited in claim 9, wherein the online service comprises a data center communication on trusted devices". The term "online service" used in the in claim 9 refers to a work or benefit provided for a user. Applicants' specification (US 2005/0202875) discloses that the service e.g. is an in-game notification, a game invitation, a friend request, and/or data corresponding to a friend list. It is not clear a how a service that is provided for a user comprises a data center. It appears that the term "service" used in claim 13 refers to the data center 110 within a private network (Fig. 1 and paragraph 24).

Claim 13 recites the limitation of "wherein after signing in, the user has access to one or more items selected from a group comprising a friends lists and a notification

from a server maintaining a multiple queue of outgoing messages for the signed in the user account." It is not clear how a user has access to a notification from a server maintaining a multiple queue of outgoing messages for the signed in the user account. Furthermore it is not clear what the notification is and how from a server maintaining a multiple queue of outgoing messages for the signed in the user account has anything to do with a notification accessed by a user. It appears this is the process of providing messages rather than describing what the notification is (according to Applicant's specification paragraph 36).

Claim 17 recites the limitation of the notification is a cross-titled game invitation to switch from an offline game to an online game. It is not clear how a user receives a notification if they are playing an offline game. Applicants' specification discloses online games are games allow users to send and receive messages and offline games are played by user(s) with access to the game console only. Thus it is not clear how messages can be received by an offline game, when Applicant's specification discloses that messages can be received only by online games.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 13, 16, 32-33, 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by AOL Instant Messenger (cited from <http://www.aol.com.au/site/website/aolproducts/aim/help.php> March 11, 2001 version), (hereinafter "Aim'3/11/01").

Claims 9, 32. Aim'3/11/01 discloses a messaging program named AOL Instant Messenger for a computer that allows a user to send messages instantly to another user. Since a computer is capable of playing games, the computer is considered to be a dedicated game console. The term "dedicated game console" does not functionally limit the claim. The term "dedicated game console" just refers to a computing device in which it's intended to play games. Furthermore, Applicants' specification (paragraph 98) discloses that the gaming console can be any computer device.

Before a user sends messages, the user must login to his/her account by entering the user's ID (screen name) and password (see page 2 of Aim'3/11/01). A "Save Password" is available as an option to save time from entering a password each time the user logs in (see page 2 of Aim'3/11/01). If a user selects the "Save Password" option, an "Auto-login" option is available to automatically sign in a user when the program is launched by the computer (see page 2 of Aim'3/11/01). If a most recently signed in user selects the "auto-login" feature, then the program will sign in the most recently signed in user account. This "auto-login" feature "silently" (without asking the user to sign in) signs in the user account onto an online service without requiring action by a user. Hence the feature is called "auto-login".

Regarding claim 32, the computer to perform the auto-sign in feature as discussed above inherently requires a computer-readable to store the program.

Claim 13, it appears that the limitation of the "online service comprises a data center communicating on trusted devices" refers to data center 110 within a private network (Fig. 1 and paragraph 24). The trusted devices are interpreted as the devices on the server. Aim inherently comprises a trusted device as a server in order to maintain users' login information.

Claim 33. Aim'3/11/01 discloses determining whether the sign in was successful; and if the signing in was successful, registering an online presences of the signed in user. Aim discloses that the user will automatically be signed on to AOL Instant Messenger (page 2 of Aim'3/11/01). If the user is signed on to AOL Instant Messenger, it is implied that it was determined that the signing in was successful.

Claim 37. Aim'3/11/01 discloses the method as discussed above, further comprising returning a status message selected from a group comprising no user Account present, automatic sign-in disabled, signing in, not signed in, and signed in (The "Auto-login" box is a message that indicates whether automatic sign-in is disabled. It is noted that the claim does not specify when the returning status message occurs. Thus the "Auto-login" message is returned when the program is loaded.).

Claims 16, 38. Aim'3/11/01 discloses after the signing in, the user has access to one or more items selected from a group comprising a friends list (contact list or buddy list, see page 2 of Aim'3/11/01) and a notification (received instant message, see pages 1-3 of Aim'3/11/01).

Regarding claim 16, it appears that the claim is directed to a server providing messages rather than describing what the notification is. Aim inherently comprises a server to maintain multiple queue of messages.

Claim 39. Aim'3/11/01 discloses an auto login for an instant messenger program as discussed above. Aim'3/11/01 discloses that after a user has successfully logged, the program is used to send notifications and receive notifications to another user. However, Aim'3/11/01 fails to specifically teach the notification is selected from a group comprising a friend request and a cross-title game invitation. Nevertheless, a notification comprising a friend request and a cross-title game invitation is simply the context of the message. Such limitations is intended use of the invention and dos not give patentable weight to the invention. For example, the limitation of: *receiving a notification of, "Do you want to come to my birthday party?...=)... my place tomorrow at 5pm" from a friend, wherein the friend is a user listed under the user's buddy list*; is a notification comprising a friend request and a party invitation. An example how the claim limitation can be met is if the user receives at text message from a friend messaging, "Let's play star-craft". Since Aim'3/11/01 discloses notifications can be sent

to and received from people on the user's buddy list, Aim'3/11/01 discloses the claimed limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aim'3/11/01 as applied to claim 32 above, in view of AOL Instant Messenger (cited from http://www.aim.com/help_faqs/linux/latest_linux.asp Feb 02, 2002 version), (hereinafter "Aim'2/2/02"),

Claims 34-36. Aim'3/11/01 discloses the claimed invention of automatically signing in a user account onto an online service as discussed above. However Aim'3/11/01 fails to specifically disclose if the signing in was unsuccessful, reporting an error; wherein the error is selected from a group comprising pass code required and sign-in failed; wherein the error is displayed in a user interface; and initiating an interactive sign in. Nevertheless, providing an error message on a displayed user interface after an unsuccessful attempt of signing into an online service, or allowing the user to reenter a pass code after an unsuccessful attempt of signing into an online service is well known in the art. Aim'2/2/02 discloses this common feature of providing

an error message. Aim'2/2/02 also discloses a messaging program named AOL Instant Messenger. When an invalid password is used to sign on, Aim displays an error message, stating that the password entered is invalid (see page 3 of Aim'2/2/02). After the error message is displayed, an interactive sign-in is available for the user to enter the correct password (see page 3 Aim'2/2/02). Displaying an error message to the user provides an indication to the user that sign-in was unsuccessful. The interactive sign-in allows the user to re-attempt the sign-in process using the correct pass code. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Aim'3/11/01 auto sign-in feature and incorporate Aim'2/2/02 displayed error message in order to provide an indication that the auto sign-in was unsuccessful and allow the user to re-attempt the sign-in process using the correct pass code.

Claims 10-12, 14-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easley et al. (US 2002/0142842) in view of Aim'3/11/01, in view of AOL Instant Messenger (cited from http://www.aim.com/help_faq/linux/latest_linux.adp Feb 02, 2002 version), (hereinafter "Aim'2/2/02"), in view of AOL Instant Messenger (cited from http://www.aol.com.au/site/website/aolproducts/aim/new_features.php Aug. 18, 2001 version), (hereinafter "Aim'8/18/01").

Easley discloses a method and system for providing online gaming services (abstract, paragraphs 1-79). The system also provides player online services. Theses

services are obtained by logging onto the online system (user login, paragraph 10, 18; registering, and entering an account, paragraph 51; using a nickname, paragraph 66). However, Easley fails to teach the auto login (or "automatically sign-in silently"). Nevertheless, it would have been obvious to incorporate an auto login feature as taught by Aim'3/11/01 above. The auto login feature saves the user time from re-entering the use's login information (such as user's name and password). Thus it would have been obvious to one of ordinary skilled in the art to include this auto login feature to any computing device that requires a user to enter her/his login information. Modifying Easley's method and system for providing online gaming services with an auto-login feature will allow user to log into the online system without re-entering his/her login information. It is also noted that, Easley similarly discloses chat features (paragraph 9).

Aim'2/2/02 and Aim'8/18/01 provide additional support regarding the auto-login feature.

Easley in view of AOL Instant Messenger further discloses the following:

Claim 10. Aim'3/11/01 discloses determining whether the sign in was successful; and if the signing in was successful, registering an online presences of the signed in user. Aim discloses that the user will automatically be signed on to AOL Instant Messenger (page 2 of Aim'3/11/01). If the user is signed on to AOL Instant Messenger, it is implied that it was determined that the signing in was successful. Aim'8/18/01 discloses the program tracks if the user is signed in or not (page 1 illustrates "Buddies" who are online and users who are "Offline"). In order to track if users are signed in or

no, the server inherently holds and process data concerning the online presences of the signed in user account. The combination of Easley in view of Aim'3/11/01, Aim'2/2/02 and Aim'8/18/01 discloses this feature in an online gaming server.

Claims 11-12, 14-15. Aim'3/11/01 discloses the claimed invention of automatically signing in a user account onto an online service as discussed above. However Aim'3/11/01 fails to specifically disclose if the signing in was unsuccessful, reporting an error; wherein the error is selected from a group comprising pass code required and sign-in failed; wherein the error is displayed in a user interface; and initiating an interactive sign in. Nevertheless, providing an error message on a displayed user interface after an unsuccessful attempt of signing into an online service, or allowing the user to reenter a pass code after an unsuccessful attempt of signing into an online service is well known in the art. Aim'2/2/02 discloses this common feature of providing an error message. Aim'2/2/02 also discloses a messaging program named AOL Instant Messenger. When an invalid password is used to sign on, Aim displays an error message, stating that the password entered is invalid (see page 3 of Aim'2/2/02). After the error message is displayed, an interactive sign-in is available for the user to enter the correct password (see page 3 Aim'2/2/02). Displaying an error message to the user provides an indication to the user that sign-in was unsuccessful. The interactive sign-in allows the user to re-attempt the sign-in process using the correct pass code. The interactive sign-in process requires the user to enter the password (authorization code) through the input device (keyboard, or the controller). Therefore it would have

been obvious to one of ordinary skilled in the art at the time the invention was made to modify Aim'3/11/01 auto sign-in feature and incorporate Aim'2/2/02 displayed error message in order to provide an indication that the auto sign-in was unsuccessful and allow the user to re-attempt the sign-in process using the correct pass code.

Regarding claim 11, and the limitation of "the status message window of a main menu generated by a game loaded in the dedicated game console," the software Aim is considered as a game program. Furthermore, the combination of Easley in view of Aim'3/11/01, Aim'2/2/02 and Aim'8/18/01 discloses this feature.

Regarding claim 14. The input device is considered to be a controller coupled to the dedicated game console.

Regarding claim 15, see claim 10 and 11 above.

Claim 17. See claim 39 above. Furthermore, the limitation of, "the notification is a cross title game invention to..." is just a notification. This limitation does not functionally define the claimed invention. Additionally, Easley discloses inviting a user to play on an online game (paragraphs 53, 62, 67-68).

Claims 18, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aim'3/11/01, as supported by Nishiumi (US 6,001,015).

Claim 18, 41. Aim'3/11/01 discloses a method of silently signing in a user onto an online service on a dedicated game console as discussed above. The gaming

device inherently stores a specific user's account data on a memory device in order to auto sign-in the user. The gaming device inherently determines if the memory device comprises data which corresponds to a specific user and silently signs in the user onto the online service. The gaming device also inherently comprises a controller (input device). However, Aim'3/11/01 fails to disclose the method coupling a controller to the dedicated game console, the controller corresponding to a specific user account present on the dedicated game console; and silently signing in the specific user account onto the online service. Nevertheless, this modification would have been obvious to one of ordinary skilled in the art. The method of coupling a controller to the dedicated game console, the controller corresponding to a specific user account present on the dedicated game console, and silently signing in the specific user account onto the online service, is method of using a memory device within a controller. This is simply a rearrangement of parts, where a memory device used to store the user's data (typically within gaming console) is rearranged to be located within a controller. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Aim'3/11/01 and an rearrange the location of the memory device, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Furthermore Nishiumi discloses a memory device within a gaming controller for the purpose of storing individual player's game data (col. 10:29-65).

Claim 42. Nishiumi and expansion device mount (409) to connect the memory card. This it is implied that the memory card is removable. Furthermore it would have been obvious to make the memory card removable since it has been held that it would have been obvious to make components removable. *In re Dulberg*, USPQ 348, 349.

Response to Arguments

Applicant's arguments with respect to claims 32-39 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 9-18 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 9-18, Applicant's argue that the Aim fails to disclose a dedicated game console. The term "dedicated game console" just refers to a computing device in which its intended purpose is used to play games. However, this limitation does not imply a game is played on the gaming console. There are also many dedicated game console which is not used to play games. For example a "dedicated game console" can only be used to play media files. Furthermore, Applicants' specification (paragraph 98) discloses that the gaming console can be any computer device. This contradicts Applicants' argument that a "dedicated game console" is not a general-purpose PC running computer games.

Applicants also argues that Aim fails to teach silently signing in a most recently signed in user account onto an online service without requiring action by a user. Applicant's arguments on how Aim is different from the claimed invention (page 14 of

Applicant's arguments) rely on a rejection of claim 18. Claim 18 was previously objected to, for being an improper dependent claim because claim was directed to a distinct invention from the independent claim. The Aim reference was relied upon for two different previously claimed inventions. Obviously, these rejections describe different embodiments. Currently, the claimed invention is directed to singing the most recently signed in user. If a most recently signed in user selects the "auto-login" feature, then the program will sign in the most recently signed in user account. The user is signed in automatically without the requiring action by a user because the user is not required to enter the user's name and password.

Claim 32. Applicants argues that AIM 3/11/01 fails to teach a computer-readable media. One of ordinary skilled in the art would know that a computer-readable media is inherently required to run any computer program.

Arguments regarding specific dependent claims have been addressed in the rejections above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

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